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September 23, 2011

Via Electronic and Regular Mail

Sean Thompson, Executive Director
Local Planning Services
101 South Broad Street
PO Box 813
Trenton, New Jersey 08625-0813

**Re: Waiver from the Requirements of N.J.A.C. 5:97-8.1(d)
Burlington Township, Burlington County**

Dear Mr. Thompson:

Please accept this waiver request on behalf of Burlington Township ("Township"), Burlington County, from the requirements of N.J.A.C. 5:97-8.1(d), so that it may expend affordable housing trust funds, prior to substantive certification, for development of a new affordable housing project. The Township is also requesting an expedited review by to enable the developer, Moorestown Ecumenical Neighborhood Development ("MEND"), to secure financing during the next funding cycle.

The Township has entered into an agreement with MEND for the development of a 75-unit affordable age-restricted and supportive services rental project (1 unit being reserved for staff housing.) The project is to be developed on the "Springside School" site, a property currently owned by the Township Board of Education. The Township proposes to expend \$280,000 (the property's appraised value) from its affordable housing trust funds for acquisition of the Springside School property and for other related costs. The property shall be transferred to MEND for nominal consideration.

The Township's purchase of the Springside property is contingent upon MEND securing the necessary approvals for the affordable housing development. MEND and the Township have commenced the process to evaluate the Springside School property for designation as an area in need of redevelopment. A special meeting of the Township Planning Board has been scheduled for September 29 to consider the redevelopment plan. MEND will file its application with the Township Planning Board in October, 2011 and its application for financing in November, 2011. The Township is seeking an expedited review in order to assure the availability of funds to acquire the property prior to MEND submitting its financing application.

N.J.A.C. 5:96-15.2(a) states that "[t]he Council may grant waivers from specific provisions of its rules if the person demonstrates that the strict application of the rule would create an unnecessary financial, environmental or other hardship; or

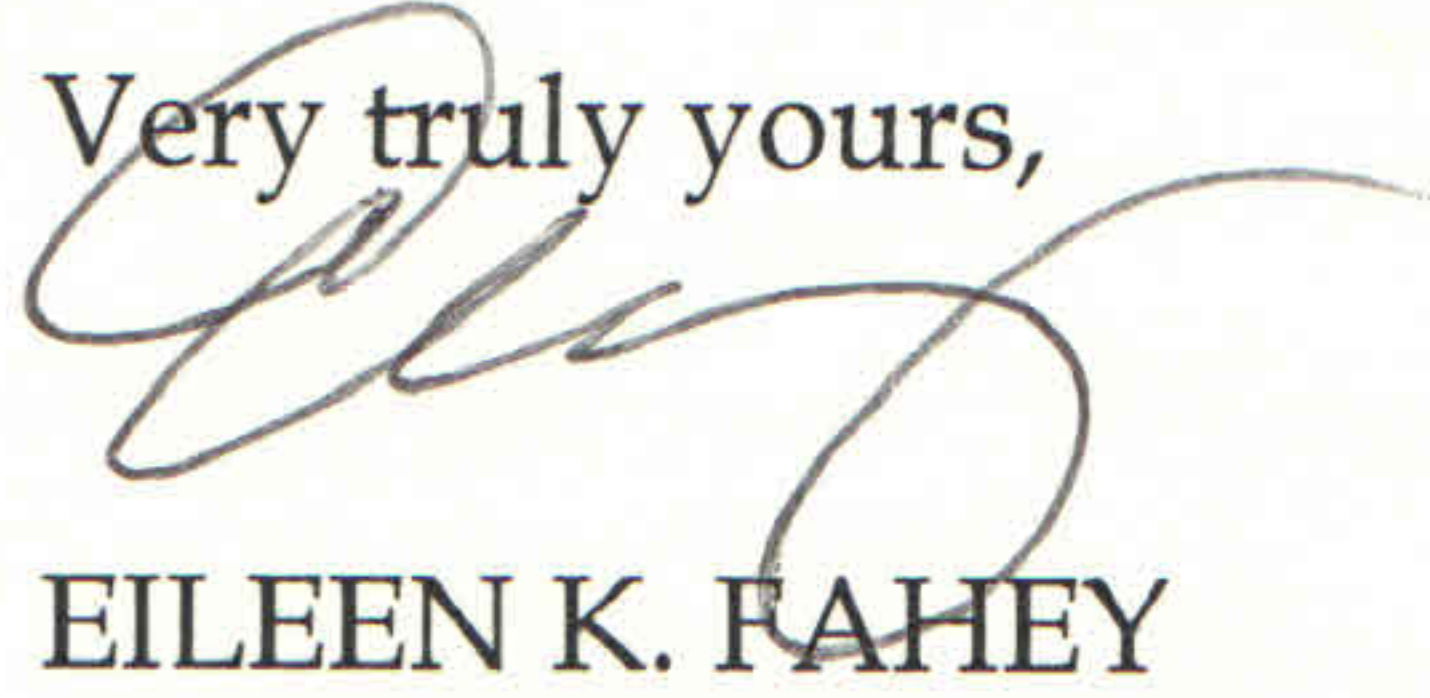
- (1) Granting the waiver fosters the production of affordable housing;
- (2) Granting the waiver fosters the intent of, if not the letter of, the Council's rules; and
- (3) The Housing Element and Fair Share Plan provide[s] a mix of housing options.

A financial hardship would be created under a strict application of the rule. The project relies on the Township's ability to transfer the real property to MEND for nominal consideration. Absent use of the trust funds, the Township does not have available funds to purchase the property from the Board of Education. Without the \$280,000 subsidy, the project cannot proceed and an affordable housing opportunity will be lost.

Granting the waiver fosters the production of affordable housing as well as fosters the intent of, if not the letter of, the Council's rules by allowing the Township to develop 74 senior and supportive service units that currently do not exist within the Township, while also preserving an historic structure. The Township's Housing Element and Fair Share Plan does provide a mix of housing options, including inclusionary development, supportive and special needs housing, assisted living units, and extension of expiring controls.

The Township has satisfied all of the elements for the Council to grant a waiver from the specific requirement of the Council's rules, as set forth in N.J.A.C. 5:96-15.2(a) and therefore respectfully requests that its waiver request be granted on an expedited basis. Enclosed please find Resolution 2011-R-163 authorizing this waiver request.

Should you require additional information for its consideration of this matter, please advise.

Very truly yours,

EILEEN K. FAHEY

EKF:pah

cc: Gina Fischetti, Esq., LPS
Alice D'Arcy, Principal Planner, LPS
Matthew Reilly, MEND
Charles Lewis, Conifer Realty, LLC
Attached Service List

TOWNSHIP OF BURLINGTON

RESOLUTION

2011-R-163

**RESOLUTION AUTHORIZING SUBMISSION OF WAIVER REQUEST
TO COAH TO PERMIT EXPENDITURE OF TOWNSHIP AFFORDABLE
HOUSING TRUST FUND MONIES FOR THE SPRINGSIDE SCHOOL
AFFORDABLE HOUSING PROJECT**

WHEREAS, the Township of Burlington was granted first round substantive certification by the Council on Affordable Housing (COAH) on March 14, 1994; and

WHEREAS, on December 29, 2008, Burlington petitioned for third round substantive certification of its Housing Element and Fair Share Plan; and

WHEREAS, the Township first received approval to maintain an affordable housing trust fund on September 4, 1996 and later received COAH approval of an amended development fee ordinance on July 20, 2009; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, the Township has entered into an Affordable Housing Agreement with Moorestown Ecumenical Neighborhood Development, Inc. ("MEND") to facilitate the construction and operation of a seventy-four (74) unit affordable age-restricted and supportive services rental project on the Township Board of Education property known as the "Springside School" site; and

WHEREAS, the Township proposes to expend \$280,000 of Affordable Housing Trust Funds for acquisition of the Springside School property and for other related costs upon MEND having secured necessary approvals for the development of MEND's age-restricted and supportive services units; and

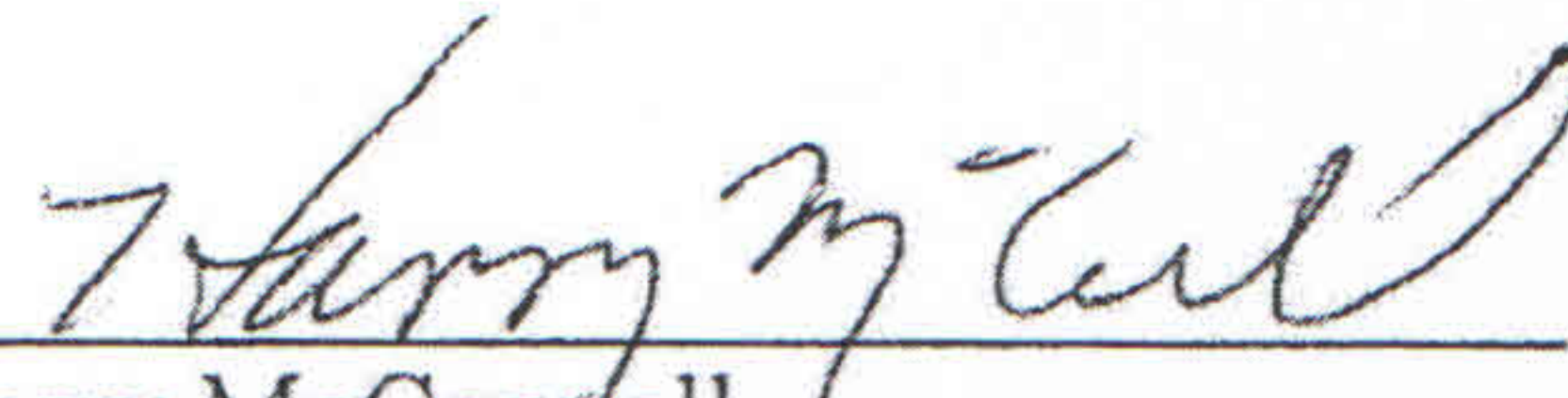
WHEREAS, N.J.A.C. 5:96-15.2 permits COAH to grant waivers from specific provisions in its rules if the Township demonstrates that the granting of the waiver fosters the development of affordable housing, fosters the intent of the Council's rules, and the Housing Element and Fair Share Plan provide a mix of housing options; and

WHEREAS, the granting of the requested waiver would foster the production of affordable housing, would serve the intent of COAH's rules by enabling the Township to move forward with the affordable housing opportunity proposed by MEND and would contribute to a variety of housing opportunities.

NOW THEREFORE BE IT RESOLVED that the Township Council hereby requests that COAH grant the waiver of spending plan approval and permit expenditure of \$280,000 from the Township's affordable housing trust fund for acquisition costs associated with the development of the affordable age-restricted and supportive services units at the Springside School upon MEND securing all necessary approvals.


DATE: September 13, 2011

TOWNSHIP OF BURLINGTON



Harry McConnell
President of Council

ATTEST:



Anthony V. Carnivale, Jr., RMC
Municipal Clerk

0306-BURLINGTON TWP. - BURLINGTON

(Full Service List Labels)

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